

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

**Oak Point Property I, LLC
200 Oak Point Drive
Middleborough, MA 02346**

is authorized to discharge from the facility located at

**Oak Point Retirement Community
River Street
Middleborough, MA 02346**

to receiving water named

Taunton River (Taunton River Watershed -MA62)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on the date of signature.

This permit and the authorization to discharge expires at midnight, four (4) years from the effective date.

This permit supersedes the permit issued on December 19, 1989.

This permit consists of 10 pages in Part I including effluent limitations, monitoring requirements, Attachments A and B and 35 pages in Part II including General Conditions and Definitions.

Signed this 3RD day of August, 2004

/s/ SIGNATURE ON FILE

Linda M. Murphy
Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge from outfall serial number 001 , treated effluent to the Taunton River. Such discharge shall be limited and monitored as specified below.								
<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>						<u>MONITORING REQUIREMENTS</u>	
	Mass Limitations			Concentration Limitations				
PARAMETER	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE² TYPE</u>
FLOW	***	***	***	0.185 MGD ¹	***	REPORT	CONTINUOUS	RECORDER
BOD ₅ ³	18 lbs/Day 8 kgs/Day	27 lbs/Day 12 kgs/Day	36 lbs/Day 16 kgs/Day	15 mg/l	22.5 mg/l	30 mg/l	2/MONTH	24-HOUR COMPOSITE ⁴
TSS ³	18 lbs/Day 8 kgs/Day	27 lbs/Day 12 kgs/Day	36 lbs/Day 16 kgs/Day	15 mg/l	22.5 mg/l	30 mg/l	2/MONTH	24-HOUR COMPOSITE ⁴
pH RANGE ⁵	6.5 - 8.3 SU SEE PERMIT PAGE 4 OF 10, PARAGRAPH I.A.1.b.						2/MONTH	GRAB
FECAL COLIFORM ⁶	***	***	***	200 cfu/100 ml	***	400 cfu/100 ml	2/MONTH	GRAB
TOTAL PHOSPHORUS (April 1 - October 31)	1.5 lbs/Day 0.7 kgs/Day	***	***	1 mg/l	***	***	1/MONTH	24-HOUR COMPOSITE ⁴
TOTAL PHOSPHORUS (November 1 - March 31)	REPORT	***	***	REPORT	***	***	1/ MONTH	24-HOUR COMPOSITE ⁴
TOTAL AMMONIA, as N	REPORT	***	***	REPORT	***	***	1/QUARTER	24-HOUR COMPOSITE ⁴
NITRATE	REPORT	***	***	REPORT	***	***	1/QUARTER	24-HOUR COMPOSITE ⁴
NITRITE	REPORT	***	***	REPORT	***	***	1/QUARTER	24-HOUR COMPOSITE ⁴
TOTAL KJELDAHL NITROGEN	REPORT	***	***	REPORT	***	***	1/QUARTER	24-HOUR COMPOSITE ⁴

TOTAL RECOVERABLE COPPER ⁷	REPORT	***	***	REPORT	***	***	1/MONTH	24-HOUR COMPOSITE ⁴
WHOLE EFFLUENT TOXICITY Footnotes ^{8,9,10}	Acute LC ₅₀ ≥ 100%						1/YEAR	24-HOUR COMPOSITE ⁴

Footnotes:

1. For flow, report maximum and minimum daily rates and total flow for each operating date.
2. All required effluent samples shall be collected downstream of the UV disinfection and prior to mixing with other sources. Any change in sampling location must be reviewed and approved in writing by EPA and MADEP. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. All samples shall be 24-hour composites unless specified as a grab sample in 40 CFR §136. Sampling must be representative and done at the same time each day.
3. Sampling required for influent and effluent.
4. A 24-hour composite sample will consist of at least twenty-four (24) grab samples taken during one day.
5. Required for State Certification.
6. Fecal coliform monitoring will be conducted year round. Fecal coliform discharges shall not exceed a monthly geometric mean of 200 colony forming units per 100 ml, nor shall they exceed 400 cfu per 100 ml as a daily maximum.
7. The minimum level (ML) for copper is defined as 3 ug/l. This value is the minimum level for copper using the Furnace Atomic Absorption analytical method (EPA Method 220.2). For effluent limitations of less than 3 ug/l, compliance/non-compliance will be determined based on the ML from this method, or another approved method that has an equivalent or lower ML, one of which must be used. Sample results of 3 ug/l or less shall be reported as zero on the Discharge Monitoring Report.
8. The permittee shall conduct acute toxicity tests once (1) per year. Once per year the permittee shall perform an acute test using Ceriodaphnia dubia and Pimephales promelas. Toxicity test samples shall be collected during the second week of the month of August. The test results shall be submitted by the last day of the month following the completion of the test. The results are due September 30th. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

After submitting a **minimum** of two (2) consecutive sets of WET test results, all of which demonstrate compliance with the WET permit limits, the permittee may request a reduction in the WET testing requirements. The permittee is required to continue testing at the frequency specified in the permit until notice is received by certified mail from the EPA that the WET testing requirement has been changed.

9. The LC_{50} is the concentration of effluent which causes mortality to 50% of the test

organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.

10. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall follow procedures outlined in **Attachment B Section IV., DILUTION WATER** in order to obtain permission to use an alternate dilution water. In lieu of individual approvals for alternate dilution water required in **Attachment B**, EPA-New England has developed a Self-Implementing Alternative Dilution Water Guidance document (called "Guidance Document") which may be used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water. If this Guidance document is revoked, the permittee shall revert to obtaining approval as outlined in **Attachment B**. The "Guidance Document" has been sent to all permittees with their annual set of DMRs and Revised Updated Instructions for Completing EPA's Pre-Printed NPDES Discharge Monitoring Report (DMR) Form 3320-1 and is not intended as a direct attachment to this permit. Any modification or revocation to this "Guidance Document" will be transmitted to the permittees as part of the annual DMR instruction package. However, at any time, the permittee may choose to contact EPA-New England directly using the approach outlined in **Attachment B**.

Part I.A.1. (Continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.3 at any time.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
- e. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand. The percent removal shall be based on monthly average values.
- f. When the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the designed flow, the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.
- g. The results of sampling for any parameter above its required frequency must also be reported.

2. All POTWs must provide adequate notice to the Director of the following:

- a. Any substantial change in the volume or character of pollutants being introduced into the treatment system;
- b. For purposes of this paragraph, adequate notice shall include information on:
 - (1) the quantity and quality of effluent introduced into the treatment system; and
 - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment system.

3. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

4. Numerical Effluent Limitations for Toxicants

EPA or DEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfall listed in Part I A.1. of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and shall be reported in accordance with Section D.1.e. (1) of the General Requirements of this permit (Twenty-four hour reporting).

C. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

1. Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

2. Preventative Maintenance Program

The permittee shall maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges.

3. Alternate Power Source

In order to maintain compliance with the terms and conditions of this permit, the permittee shall continue to provide an alternative power source with which to sufficiently operate its treatment works (as defined at 40 CFR §122.2).

D. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.
2. The permittee shall comply with the more stringent of either the state or federal (40 CFR part 503), requirements.
3. The requirements and technical standards of 40 CFR part 503 apply to facilities which perform one or more of the following use or disposal practices.
 - a. Land application - the use of sewage sludge to condition or fertilize the soil
 - b. Surface disposal - the placement of sewage sludge in a sludge only landfill
 - c. Sewage sludge incineration in a sludge only incinerator
4. The 40 CFR part 503 conditions do not apply to facilities which place sludge within a

municipal solid waste landfill. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit but rather treat the sludge (lagoons-reed beds), or are otherwise excluded under 40 CFR 503.6.

5. The permittee shall use and comply with the attached compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements.

- General requirements
- Pollutant limitations
- Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
- Management practices
- Record keeping
- Monitoring
- Reporting

Depending upon the quality of material produced by a facility, all conditions may not apply to the facility.

6. The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year

less than 290	1/ year
290 to less than 1500	1 /quarter
1500 to less than 15000	6 /year
15000 +	1 /month

7. The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.

8. The permittee shall submit an annual report containing the information specified in the guidance by **February 19**. Reports shall be submitted to the address contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permittee is required only to submit an annual report by **February 19** containing the following information:

- Name and address of contractor responsible for sludge disposal
- Quantity of sludge in dry metric tons removed from the facility by the sludge contractor

E. MONITORING AND REPORTING

1. Reporting

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the following month.

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

The State Agency is:

Massachusetts Department of Environmental Protection
Southeast Regional Office - Bureau of Resource Protection
20 Riverside Drive
Lakeville, Massachusetts 02347

Signed and dated Discharge Monitoring Report Forms and toxicity test reports required by this permit shall also be submitted to the State at:

Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608

F. STATE PERMIT CONDITIONS

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MA DEP pursuant to M.G.L. Chap.21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared, invalid, illegal or otherwise issued in violation of State law such permit shall remain in full force and effect under Federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.